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TPW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,495	05/16/2006	Yoshihiro Sato	128067	1618
25944	7590	07/19/2007	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			BENNETT, GEORGE B	
ART UNIT		PAPER NUMBER		
2859				
MAIL DATE		DELIVERY MODE		
07/19/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/579,495	SATO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	G. Bradley Bennett	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 May 2006.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 May 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date 2.	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Face in view of Shimazutsu et al..

3. Face discloses the invention as substantially as claimed where: **5** is a roller/cam follower; **7,8** is a detecting means; and **9** is a calculation means as claimed. However, Face does not disclose the plural rollers and plural detecting means as claimed. Shimazutsu et al. discloses that it is known to use a plurality of detecting means in a shape measuring device for the purpose of making a plurality of shape measurements. Therefore, it would have been obvious at the time the invention was made for one of ordinary skill in the art to duplicate the rollers and detecting means of Face in the manner taught by Shimazutsu et al. for the purpose of allowing multiple shape measurements to be made with the Face device.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Bradley Bennett whose telephone number is 571.272.2237. The examiner can normally be reached on M-TH 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on 571.272.2245. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800.786.9199 (IN USA OR CANADA) or 571.272.1000.



G. Bradley Bennett  
Primary Examiner  
Art Unit 2859

gbb  
17 JUL 2007

16 MAY 2006

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Sheet 1 of 1

<p>Form PTO-1449 (REV. 1/06)</p> <p>US Dept. of Commerce PATENT &amp; TRADEMARK OFFICE</p> <p>INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)</p>			ATTY DOCKET NO. 128067		APPLICATION NO. New U.S. National Stage of PCT/JP2004/016994	
			APPLICANTS Yoshihiro SATO et al.		Ex Bennett	
			FILING DATE May 16, 2006		AV 2859	
<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initials	Cite No.	Document Number	Date	Name		
<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation
262	1	JP A 55-037918	03/17/1980	Japan	X	
	2	JP A 49-008271	01/24/1974	Japan		
	3	JP U 57-037406	02/27/1982	Japan		
262	4	JP A 11-160006	06/18/1999	Japan	X	X
262	5	JP U 60-085308	06/12/1985	Japan		
<b>OTHER DOCUMENTS</b>						
Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)				
<p><b>EXAMINER</b> G. Bradley Bennett</p>					<p><b>DATE CONSIDERED</b> 7.17.7</p>	
<p>Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>						

Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Date: May 16, 2006

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination SATO ET AL.	
		10/579,495	Examiner	Art Unit 2859
		G. Bradley Bennett	Page 1 of 1	

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,577,494	03-1986	Jaeggi, Hans P.	33/552
*	B	US-4,916,824	04-1990	Shimazutsu et al.	33/551
*	C	US-5,535,143	07-1996	Face, Allen	33/554
*	D	US-6,151,791	11-2000	Shimazutsu et al.	33/552
*	E	US-6,954,991	10-2005	Akatsuka et al.	33/553
*	F	US-2005/0198849	09-2005	Goeggelmann et al.	033/552
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.